



Testimony of
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Education Committee Public Hearing
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HB 5566 An Act Concerning Minor Revisions to the Education Statutes

Good afternoon Senator Stillman, Representative Fleischmann and members of the Education Committee. My name is Tom Drury and I am the Vice President of the Windham Federation of Teachers, AFT Local 1577. WFT represents the teachers in the Windham Public School District. It is on their behalf that I testify before you today on HB 5566 and why we need to make changes to the Special Master statute.

PA 11-61 was a piece of legislation fraught with a deep ambiguity, reflected in the title of the position it created. The crafters of this language obviously hoped to evoke a sense of virtuosity or expertise, connotations of the word “master” owned through its ancient affinity with words like maestro and the Latin word for teacher, magister. In PA 11-61, this sense of the word is taken up in the mandate that the special master share his or expertise in making collaborative decisions with local experts- the superintendent and the board of education, in particular. But “master” has a much more onerous sense, one indicating extensive, arbitrary and often cruelly imposed authority. This sense is reflected in terms such as “task master” and “plantation master,” and stands in opposition to a philosophy of collaboration. Because PA 11-61 did not adequately define the limits of the Special Master’s authority, nor did it impose independent means of holding the Special Master accountable for fulfilling the role within the scope of the law, it set the potential for the Special Master’s arbitrary execution of bureaucratic power backed by a State Department of Education with newly politicized authority of its own. In Windham, therefore, it has been the latter, negative sense of “master” that has attached itself in the position created by PA 11-61, and I intend on sharing examples of the rigid management practices that have generated this association. Before doing so, a necessary word on the mode of those practices.

The particular management methodology of the appointed Special Master further evokes the tension between the senses of master embodied in the legislation. Drawing upon the principles of the Broad Foundation’s leadership program, he has addressed policy decisions in Windham in a rigorously predictable way: as district manager, he has defined the scope and nature of any perceived problem, excluding any related factors with which he did not wish to contend; next, he has established a narrowly defined goal that becomes the sole focus of subsequent decision making; and finally he identified a limited number of potential solutions from which the implemented policy would be drawn. Collaboration under this Special Master has extended to this: allowing district administrators and teachers to review, discuss, and select from a narrow set of policies predetermined by him. If the navigation of decision-making towards his desired end has become threatened, he has resorted to unadorned directives.

This method can be illustrated through some details of the process of redesigning our high school. The Special Master first ordered that the high school be divided to form two distinct academies. When the redesign team entertained the prospect of horizontal division of the school into upper and lower academies, he ordered a vertical division with one academy adopted a STEM theme, while the committee was then allowed to pick the theme of the second academy. What was important to him was that the district adopt a portfolio model with as little critical dialogue as possible. He managed that essential maneuver through executive order. Then, he hand-picked out-of-district “experts” to steer the high school redesign teams in the right direction and eliminated from them anyone who offered input in variance with his desired outcomes for the plans.

Following this prescription of firm directive coupled with highly restricted “collaboration,” the following policy decisions have been made in Windham despite limited and qualified support from local experts:

- Board of Education meetings were restructured to limit public input into decision-making and insulate district leaders from critical commentary.
- Teach for America was employed at some expense to the district and in spite of no genuine difficulties hiring new personnel. Windham **has** had major difficulty maintaining staff, which the utilization of TFA will exacerbate.
- A redundant study of the district’s bilingual program was commissioned in order to redefine the district’s services in new terms. An overhaul of services to emergent bilinguals was mandated that rendered scores of students who had been introduced to the English language fewer than ten months previous in English language classes without support.
- The high school’s alternative program was terminated (as the Special Master supported a state alternative education charter school for the district).
- Agreements were reached between Windham and other local districts requiring the contracted districts to pay tuition for students wishing to attend school in the other contracting district. As anticipated by many in Windham, we have seen an exodus of skilled students and funding. The Special Master entered into private deals with parents of students not selected by lottery to attend out of district, promising to refund tuition paid by them out of pocket. The new Board of Education had since rescinded at one of these contracts, recognizing their harm to WPS.
- The budget process was overhauled. Per-pupil expenditure was implemented in order to standardize payments across districts, but the result of this equalization has been unfairness.
- Massive reductions in select staffing were ordered- tutors, paraprofessionals, custodians, secretaries were cut. At the same time, expenditure on central office salaries expanded to include a Communications Officer and a Talent Officer. Meanwhile, WHS will need \$1.4 million not currently in the budget in order to retain last year’s staff.
- The superintendent was directed to submit a letter of interest in the Commissioner’s Network without the requisite letters of support from the Board or the local union.

The revisions to PA 11-61 proposed by HB 5566 would do nothing more than change the title of Special Master to District Turnaround Specialist. Unless more substantial alterations, such as those attached to my testimony, are made to ensure that authority invested in the position is

precisely defined and subject to objective external review, then the title Special Master should remain as the more appropriate one.

Thank you for the opportunity to testify before you today. I would be happy to answer any questions you may have.

PROPOSED LANGUAGE TO AMEND THE SPECIAL MASTER STATUTE:

AN ACT CONCERNING DISTRICT TURNAROUND SPECIALISTS

Section 1. Section 10-223(e)(2) of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(2) Notwithstanding any provision of this title or any regulation adopted pursuant to said title, except as provided in subdivision (3) of this subsection, in carrying out the provisions of subdivision (1) of this subsection and this subdivision, the State Board of Education shall take any of the following actions to improve student performance of the school district, a particular school in the district or among student subgroups, and remove the school or district from the list of schools or districts designated and listed as a low achieving school or district pursuant to said subdivision (1), and to address other needs of the school or district: (A) Require an operations audit to identify possible programmatic savings and an instructional audit to identify any deficits in curriculum and instruction or in the learning environment of the school or district; (B) require the local or regional board of education for such school or district to use state and federal funds for critical needs, as directed by the State Board of Education; (C) provide incentives to attract highly qualified teachers and principals; (D) direct the transfer and assignment of teachers and principals; (E) require additional training and technical assistance for parents and guardians of children attending the school or a school in the district and for teachers, principals, and central office staff members hired by the district; (F) require the local or regional board of education for the school or district to implement model curriculum, including, but not limited to, recommended textbooks, materials and supplies approved by the Department of Education; (G) identify schools for reconstitution, as may be phased in by the commissioner, as state or local charter schools, schools established pursuant to section 10-74g, innovation schools established pursuant to section 10-74h, or schools based on other models for school improvement, or for management by an entity other than the local or regional board of education for the district in which the school is located; (H) direct the local or regional board of education for the school or district to develop and implement a plan addressing deficits in achievement and in the learning environment as recommended in the instructional audit; (I) assign a technical assistance team to the school or district to guide school or district initiatives and report progress to the Commissioner of Education; (J) establish instructional and learning environment benchmarks for the school or district to meet as it progresses toward removal from the list of low achieving schools or districts; (K) provide funding to any proximate district to a district designated as a low achieving school district so that students in a low achieving district may attend public school in a neighboring district; (L) direct the establishment of learning academies within schools that require continuous monitoring of student performance by teacher groups; (M) require local and regional boards of education to (i) undergo training to improve their

operational efficiency and effectiveness as leaders of their districts' improvement plans, and (ii) submit an annual action plan to the Commissioner of Education outlining how, when and in what manner their effectiveness shall be monitored; (N) require the appointment of (i) a superintendent, approved by the Commissioner of Education, or (ii) a ~~special master~~ district turnaround specialist, selected jointly by local or regional board of education, the State Board of Education and by the commissioner, whose authority is consistent with the provisions of section 138 of public act 11-61* and does not supplant the local or regional superintendent, and whose term shall be for one school year, except that the State Board of Education may extend such period; or (O) any combination of the actions described in this subdivision or similar, closely related actions.

Section 2. Section 10-145(a) of the general statutes is repealed and the following substituted in lieu thereof (*Effective from passage*):

(a) No teacher, supervisor, administrator, special service staff member, district turnaround specialist or school superintendent, except as provided for in section 10-157, shall be employed in any of the schools of any local or regional board of education unless such person possesses an appropriate state certificate, nor shall any such person be entitled to any salary unless such person can produce such certificate dated previous to or the first day of employment, except as provided for in section 10-157; provided nothing in this subsection shall be construed to prevent the board of education from prescribing qualifications additional to those prescribed by the regulations of the State Board of Education and provided nothing in this subsection shall be construed to prevent any local or regional board of education from contracting with a licensed drivers' school approved by the Commissioner of Motor Vehicles for the behind-the-wheel instruction of a driver instruction course, to be given by driving instructors licensed by the Department of Motor Vehicles. No person shall be employed in any of the schools of any local or regional board of education as a substitute teacher unless such person holds a bachelor's degree, provided the Commissioner of Education may waive such requirement for good cause upon the request of a superintendent of schools.

Section 3 (NEW) (*Effective from passage*):

"District turnaround specialist" means a qualified instructional leader appointed jointly by a local or regional board of education and the State Board of Education who shall assist the school district in making adequate yearly progress for whole district performance in both reading and mathematics under the No Child Left Behind Act, P. L. 107-110 for a period not to exceed one school year and meets the following minimum qualifications: (1) at least ten years of classroom teaching experience in a school district similar in demographics and student performance to the district in which he or she is seeking to serve; (2) successful completion of at least five years of

experience as a certified administrator with a valid superintendent certificate; (3) demonstrated experience working in collaborative relationships with teachers, parents and community members; and (4) demonstrated commitment to spend a minimum of 40 hours per week in the school district. No district turnaround specialist shall serve in more than one school district at any given time.

Section 4. Section 138 of Public Act 11-61 of the general statutes is repealed and the following is substituted in lieu thereof. (*Effective from passage*):

Sec. 138. The State Board of Education shall work jointly with the local or regional board of education to identify and assign a ~~special-master~~ district turnaround specialist to administer the educational operations for the town of Windham to assist the school district in making adequate yearly progress for whole district performance in both reading and mathematics under the No Child Left Behind Act, P. L. 107-110. Such ~~special-master~~ district turnaround specialist shall (1) work collaboratively with the local board of education for Windham ~~and the Windham superintendent of schools,~~ parents of students attending schools in the town of Windham, community leaders in the town of Windham, school governance councils and the exclusive bargaining unit representative to implement the provisions of the improvement plan for the school district, developed pursuant to subsection (a) of section 10-223e of the general statutes; (2) implement the provisions of subparagraphs (A), (C), (D), (E), (F), (H), (I), (J), (L) and (M) of subdivision (2) of subsection (c) of section 10-223e of the general statutes; (3) manage and allocate any federal, state and local education funds of the school district; and (4) report regularly to the State Board of Education, the local board of education and the committee of cognizance in the General Assembly on matters relating to the progress of implementing the improvement plan for the school district and the effectiveness of the local board of education and the superintendent of schools. The ~~special-master~~ district turnaround specialist shall serve at the pleasure of the State Board of Education and the local board of education for a period not to exceed one school year ~~following the school year that the Windham school district makes adequate yearly progress for whole district performance in both reading and mathematics under the No Child Left Behind Act, P. L. 107-110~~ and shall meet qualifications pursuant to Section 2 of this act. The State Board of Education may renew the district turnaround specialist's term annually, for a maximum of three years with the consent and approval of the local board of education.

(b) Notwithstanding the provisions of sections 1-210 and 10-151c of the general statutes, the ~~special-master~~ district turnaround specialist and the State Board of Education shall have access to all records, facilities, communications and meetings, including, but not limited to, executive sessions of the local board of education, that may be relevant to implementing the provisions of this section.

(b)(2) The district turnaround specialist shall hold monthly public informational forums in the local or regional school district to share information and solicit input from community stakeholders. Such public forums shall be held in a public building and scheduled at times that allow for maximum community participation.

(c) (1) The State Board of Education may require the Windham board of education to request to the exclusive representative of a bargaining unit to reopen the negotiation process and present a proposed revision to the existing collective bargaining agreement for the sole purpose of implementing the improvement plan for the school district, developed pursuant to subsection (a) of section 10-223e of the general statutes, and relevant salary, hours and other conditions of employment. Such exclusive representative shall have five days to respond to such request and if the exclusive representative fails to respond the exclusive representative shall be deemed to have denied such request.

(2) If the exclusive representative agrees to the request to reopen negotiations, the parties shall enter into negotiations. Such negotiations shall be limited to the implementation of the improvement plan for the school district, developed pursuant to subsection (a) of section 10-223e of the general statutes, and relevant salary, hours and other conditions of employment. Such negotiations shall be completed no later than thirty days from the date when the exclusive representative agrees to the request to reopen negotiations.

(3) Any agreement reached by the parties, pursuant to subdivision (2) of this subsection, shall be submitted for approval by the members of the exclusive bargaining representative employed by the Windham board of education. Such agreement shall be ratified upon a majority vote of the members of such exclusive bargaining representative.

(4) If the parties reach an impasse on one or more issues following negotiations or if the members of the exclusive bargaining representative fail to ratify the agreement, in accordance with the provisions of subdivision (3) of this subsection, then the parties shall proceed to the expedited arbitration process described in subdivision (5) of this subsection.

(5) Not later than five days after the date the parties reach impasse on one or more issues or the members of the exclusive bargaining representative fail to ratify the agreement, in accordance with the provisions of subdivision (3) of this subsection, the parties shall select a single impartial arbitrator in accordance with the provisions of subsection (c) of section 10-153f of the general statutes. Not later than ten days after the selection of the single impartial arbitrator, such arbitrator shall conduct a hearing in the town of Windham. At such hearing the parties shall submit to such arbitrator their respective positions on each individual issue in dispute between them in the form of a last best offer. Not later than twenty days following the close of such hearing, such arbitrator shall render a decision, in writing, signed by such arbitrator, which states in detail the nature of the decision and the disposition of the issues by such

arbitrator. Such arbitrators shall give the highest priority to the educational interests of the state pursuant to section 10-4a of the general statutes, as such interests relate to the children of Windham in arriving at a decision and shall consider other factors pursuant to subdivision (4) of subsection (c) of section 10-153f of the general statutes, in light of such educational interests. Such decision shall be final and binding.